



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3020636
Applicant Name: Ray Gontarz
Address of Proposal: 3656 Courtland Pl S

SUMMARY OF PROPOSAL

Land Use Application to five, 3-story rowhouse units (a two unit and a three unit building) in an environmentally critical area. Existing structure to be demolished. Environmental Review includes future unit lot subdivision.

The following approval is required:

SEPA Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site and Vicinity

Site Zoning: Lowrise (LR2)

Nearby Zones: Single Family (SF 5000), Commercial (C1-40, C2-65)

Existing Use: Single Family House

Lot Area: 5100 SF

Site Characteristics: The site is mapped as an Environmentally Critical Area (ECA) due to Steep Slope and Liquefaction.



Project Description:

The applicant proposes five, 3-story rowhouse units, configured into two buildings. No parking is proposed.

Public Comment:

Multiple written comments were received during the public comment period ending on September 2, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to cumulative impacts to slope stability, tree removal, and stormwater runoff. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

ANALYSIS - SEPA

The proposal site is located in a mapped environmentally critical area (ECA) due to Steep Slope, and Liquefaction. However, the subject site received a limited exemption from the development standards for steep slopes on June 03, 2015, under project number 6460141. The property is still subject to all other ECA standards and is regulated as a potential landslide and liquefaction site, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to:

1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and signed July 29, 2015. A geotechnical report dated March 20, 2015 was also submitted. The information in the checklist, the geotechnical report and supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Construction and Inspections has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts to the environmentally critical area. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have*

been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; and increased vibration from construction operations and equipment. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Earth/Soils - The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report (E3RA, Inc., March 20, 2015). The geotechnical study has been reviewed by SDCI's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal and future unit lot subdivision including: increased surface water runoff due to greater site coverage by impervious surfaces; and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Plants and Animals- A total of 2 trees are disbursed at the interior and along the perimeter of the project site and 1 tree is located in the right of way. Of these trees, none were classified as Exceptional. The project proposes retaining the tree located in the right of way and planting 7 trees. The applicant submitted a plan set with the existing trees identified. The Director reviewed the submitted materials and concurs with the site plan showing the location of the trees. The Director determined the proposal is consistent with the provisions of SMC 25.11.050 and 25.11.070 which sets forth exceptional tree determination and protection requirements as well as SDCI's Director's Rule 16-2008.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS

CONDITIONS - SEPA

None required.

Magda Hogness, Land Use Planner
Seattle Department of Construction and Inspections

Date: January 28, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by **Seattle DCI** within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.